

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

Billybey Marina Services, LLC

Plaintiff

Case Number

vs.

20-cv-04922

Bouchard Transportation Co., Inc., et al

Defendant

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

Wells Fargo Bank, N.A.

Plaintiff

Case Number

vs.

20-cv-04695

Bouchard Transportation Co., Inc., et al.

Defendant

## Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

The Earlier Filed Case, Wells Fargo v. Bouchard, was filed on June 18, 2020. The defendants have not yet answered. There has been a motion to intervene filed on June 22, 2020 in that proceeding by McAllister Towing entities, which claim that they have in rem claims against Bouchard's vessels for tug and towage services. The only ruling to date has involved the granting of Wells Fargo's motion for the issuance of warrants of arrest of two vessels, the M/V EVENING STAR and the BARGE B. No. 250, which have been named as in rem defendants in the case, and the appointment of a substitute custodian for the vessels in place of the U.S. Marshal.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

In the Earlier File Case, Wells Fargo alleges it entered into a loan agreement with the defendant, Bouchard, which was secured by mortgages on the two vessels named in the Complaint, the M/V EVENING STAR and the BARGE B. No. 250. Wells Fargo alleges that Bouchard has defaulted on the loan, and now seeks to foreclose on the M/V EVENING STAR and the BARGE B. No. 250.

Billybey Marina Services, LLC has provided dockage services for a number of Bouchard's vessels, including the M/V EVENING STAR and the BARGE B. No. 250. Bouchard has failed to pay for these dockage services, which has required Billybey to file suit to collect these charges which total \$617,606. Bouchard's failure to pay for dockage services gives rise to maritime liens in favor of Billybey against the vessels to which the services were provided.

Billybey believes that its case is related to the Earlier Filed Case because: (1) the same defendant, Bouchard Transportation Services Co., Inc. is involved in both cases; (2) the same property is involved insofar as two of the vessels against which Billybey has maritime liens are named in rem by Wells Fargo and have been arrested by Wells Fargo; (3) there are overlapping interests in the vessels, because the court will have to decide the distribution of sales proceeds among Wells Fargo, McAllister and Billybey; and, (4) it will be more efficient for one judge to rule upon these competing interests in the vessels.

Signature: /s/ Christopher Raleigh Date: June 25, 2020

Cozen O'Connor, P.C.

Firm: \_\_\_\_\_